

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHAWN CUTTING; CRYPTO TRADERS
MANAGEMENT, LLC; CRYPTO TRADERS
FUND, LP,

Plaintiffs,

-against-

RIVELES WAHAB LLP; SIMON RIVELES;
KAISER WAHAB; TERRENCE GRIFFITHS,

Defendants.

23-CV-6040 (VSB)

ORDER OF SERVICE

VERNON S. BRODERICK, United States District Judge:

Plaintiff Shawn Cutting, who is appearing *pro se*, brings this action on behalf of himself, Crypto Traders Management, LLC, and Crypto Traders Fund, LP, alleging that Defendants committed legal malpractice. By order dated September 14, 2013, the Court granted Plaintiff Cutting’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees.

DISCUSSION

Because Plaintiff Cutting has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.¹ *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff Cutting is proceeding IFP and could not have served summonses and the complaint until the Court reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

To allow Plaintiff Cutting to effect service on Defendants Riveles Wahab LLP, Simon Riveles, Kaiser Wahab, and Terrence Griffiths through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for each defendant. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the complaint is not served within 90 days after the date the summonses are issued, Plaintiff Cutting should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff Cutting must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff Cutting fails to do so.


CONCLUSION

The Clerk of Court is instructed to issue summonses as to Defendants Riveles Wahab LLP, Simon Riveles, Kaiser Wahab, and Terrence Griffiths, complete the USM-285 forms with the addresses for these defendants, and deliver to the U.S. Marshals Service all documents necessary to effect service.

The Clerk of Court is directed to mail an information package to Plaintiff Cutting.

SO ORDERED.

Dated: September 20, 2023
New York, New York


Vernon S. Broderick
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

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